

RBS

AO 243 (Rev 09/17)

MOTION UNDER 28 U.S.C. § 2255 TO VACATE, SET ASIDE, OR CORRECT  
SENTENCE BY A PERSON IN FEDERAL CUSTODY

<b>United States District Court</b>		District
Name (under which you were convicted) <b>TROY M Reese</b>		Docket or Case No.: <b>19 3105</b>
Place of Confinement:	Prisoner No.: <b>76368-066</b>	
UNITED STATES OF AMERICA		Movant (include name under which convicted) <b>V. TROY M Reese</b>

**MOTION**

1. (a) Name and location of court which entered the judgment of conviction you are challenging:

Eastern District of Pennsylvania

(b) Criminal docket or case number (if you know):

2. (a) Date of the judgment of conviction (if you know): ~~June 14th 2019~~ Nov 2018

(b) Date of sentencing: June 14th 2019

3. Length of sentence: 72 months = 6 years

4. Nature of crime (all counts):

Interstate Commerce with Intent with a minor

5. (a) What was your plea? (Check one)

(1) Not guilty ☐

(2) Guilty ☒

(3) Nolo contendere (no contest) ☐

6. (b) If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, what did you plead guilty to and what did you plead not guilty to?

Plead guilty to Interstate Commerce

Plead Not Guilty to Enticement

6. If you went to trial, what kind of trial did you have? (Check one)

Jury ☐

Judge only ☐

7. Did you testify at a pretrial hearing, trial, or post-trial hearing?

Yes ☐

No ☐

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8. Did you appeal from the judgment of conviction?

Yes ☐No ☒

9. If you did appeal, answer the following:

(a) Name of court: \_\_\_\_\_

(b) Docket or case number (if you know): \_\_\_\_\_

(c) Result: \_\_\_\_\_

(d) Date of result (if you know): \_\_\_\_\_

(e) Citation to the case (if you know): \_\_\_\_\_

(f) Grounds raised: \_\_\_\_\_

(g) Did you file a petition for certiorari in the United States Supreme Court?

Yes ☐No ☒

If "Yes," answer the following:

(1) Docket or case number (if you know): \_\_\_\_\_

(2) Result: \_\_\_\_\_

(3) Date of result (if you know): \_\_\_\_\_

(4) Citation to the case (if you know): \_\_\_\_\_

(5) Grounds raised: \_\_\_\_\_

10. Other than the direct appeals listed above, have you previously filed any other motions, petitions, or applications, concerning this judgment of conviction in any court?

Yes ☐No ☒

11. If your answer to Question 10 was "Yes," give the following information:

(a) (1) Name of court: \_\_\_\_\_

(2) Docket or case number (if you know): \_\_\_\_\_

(3) Date of filing (if you know): \_\_\_\_\_

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- (4) Nature of the proceeding: \_\_\_\_\_
- (5) Grounds raised: \_\_\_\_\_

(6) Did you receive a hearing where evidence was given on your motion, petition, or application?

Yes ☐

No ☒

(7) Result: \_\_\_\_\_

(8) Date of result (if you know): \_\_\_\_\_

(b) If you filed any second motion, petition, or application, give the same information:

(1) Name of court: \_\_\_\_\_

(2) Docket of case number (if you know): \_\_\_\_\_

(3) Date of filing (if you know): \_\_\_\_\_

(4) Nature of the proceeding: \_\_\_\_\_

(5) Grounds raised: \_\_\_\_\_

(6) Did you receive a hearing where evidence was given on your motion, petition, or application?

Yes ☐

No ☒

(7) Result: \_\_\_\_\_

(8) Date of result (if you know): \_\_\_\_\_

(c) Did you appeal to a federal appellate court having jurisdiction over the action taken on your motion, petition, or application?

(1) First petition: Yes ☐ No ☐

(2) Second petition: Yes ☐ No ☐

(d) If you did not appeal from the action on any motion, petition, or application, explain briefly why you did not:

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12. For this motion, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

**GROUND ONE:** Ineffective assistance counsel

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

My Public Defender Ross Thomson with held exculpatory evidence, I went on Internet site Craigslist and posted an add for a one night, this site you have to be 18 years of age in order to use this site. Found out my offense LV1 is not a 27 it's a 24 = 51-60 months 27 was a plea deal mistaken offense by the prosecutor

(b) **Direct Appeal of Ground One:**

- (1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐

No ☒

- (2) If you did not raise this issue in your direct appeal, explain why:

I'm proceeding by time barred

(c) **Post-Conviction Proceedings:**

- (1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐

No ☒

- (2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition: \_\_\_\_\_

Name and location of the court where the motion or petition was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

- (3) Did you receive a hearing on your motion, petition, or application?

Yes ☐

No ☒

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(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐No ☒

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐No ☒

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

GROUND TWO: Entrapment - Conspiracy

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

Only in America these techniques are frowned upon by most other countries and illegal. I post an ad on craigslist which that section is 18+ my ad never violated terms of agreement. An county agent responded to my ad like he was roleplaying the part. (other term used (Catfishing) Agent false representing himself to me / False impersonating a civilian with age and gender which is illegal. The stings operation on the site was illegal never got permission from the site to do that

(b) Direct Appeal of Ground Two:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐No ☒

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(2) If you did not raise this issue in your direct appeal, explain why:

Time Barred in Direct Appeal**(c) Post-Conviction Proceedings:**

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐No ☒

(2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition: \_\_\_\_\_

Name and location of the court where the motion or petition was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐No ☒

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐No ☒

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐No ☒

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

Time Barred



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**GROUND THREE:** Violation of Jurisdiction laws Article 3 clause 2 of section 2

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

Jurisdiction Between a state crime and a Federal crime. My crime happen on the Internet, However the Fed Gov has no authority to take control of the Internet, when the Internet was created by a switzerland man in switzerland. From my knowledge switzerland is a neutral country. Raising concerns if American Gov. violated the laws of the Internet and International laws as well as the laws of Switzerland,

(b) **Direct Appeal of Ground Three:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☒

(2) If you did not raise this issue in your direct appeal, explain why:

Time barred

(c) **Post-Conviction Proceedings:**

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐ No ☒

(2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition: \_\_\_\_\_

Name and location of the court where the motion or petition was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☒

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☒

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐ No ☒

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(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

*Time Barred*GROUND FOUR: *Blind Justice*

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

*The Judicial System is Designed to favor the Politicians and people who are wealthy these group of people who Break the laws get lesser time than a Average American gets which is just unfair. Also women violaters get treated Differently With less time than a male would get*

(b) Direct Appeal of Ground Four:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐No ☒

(2) If you did not raise this issue in your direct appeal, explain why:

*Time Barred*

(c) Post-Conviction Proceedings:

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐No ☒

(2) If you answer to Question (c)(1) is "Yes," state:

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Type of motion or petition: \_\_\_\_\_

Name and location of the court where the motion or petition was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐No ☒

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐No ☒

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐No ☒

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue: \_\_\_\_\_

*Time Barred*

13. Is there any ground in this motion that you have not previously presented in some federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them:

*please see more grounds on 1. ne paper named  
Grounds*

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14. Do you have any motion, petition, or appeal now pending (filed and not decided yet) in any court for the you are challenging? Yes ☐ No ☒

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised.

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At the preliminary hearing:

Ross Thomson

(b) At the arraignment and plea:

Ross Thomson

(c) At the trial:

Never went to trial

(d) At sentencing:

William Brennan

(e) On appeal:

(f) In any post-conviction proceeding:

No

(g) On appeal from any ruling against you in a post-conviction proceeding:

No

16. Were you sentenced on more than one court of an indictment, or on more than one indictment, in the same court and at the same time? Yes ☐ No ☒

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? Yes ☐ No ☒

(a) If so, give name and location of court that imposed the other sentence you will serve in the future:

(b) Give the date the other sentence was imposed:

(c) Give the length of the other sentence:

(d) Have you filed, or do you plan to file, any motion, petition, or application that challenges the judgment or sentence to be served in the future? Yes ☒ No ☐

Please see my note under next

I have a potential Clemency with Pardon Attorney REESE, TROY 76368066  
case # C284197 That would be under review with the DOJ as well as the White House

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18. **TIMELINESS OF MOTION:** If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2255 does not bar your motion.\*

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\* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2255, paragraph 6, provides in part that:

A one-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of –

- (1) the date on which the judgment of conviction became final;
- (2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making such a motion by such governmental action;
- (3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
- (4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

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Therefore, movant asks that the Court grant the following relief:

Motion to vacate with time served with Defendant still Doing Probation, Also Requesting  
or any other relief to which movant may be entitled.  
That the Defense Troy Reese Received upon Release outpatient mental Health treatment and  
Participate in Outpatient A dip program. The Defense Upon Release will be living at his condo  
and will be working at Jobs.

\_\_\_\_\_  
Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Motion  
under 28 U.S.C. § 2255 was placed in the prison mailing system on July 12 2019  
(month, date, year)

Executed (signed) on July 10 2019 (date)

Troy M Reese  
Signature of Movant

If the person signing is not movant, state relationship to movant and explain why movant is not signing this motion.

# Grounds

8th Amendment: Not only talking About right to have bond which was cruel and unusual punishment. And part which I mainly want to focus on this Amendment would be to challenge prison conditions such as extremely unsanitary cells, overcrowding, insufficient medical care and Deliberate failure by officials to protect inmates from one another.

Downward Departures never Received: I qualify for mental, emotional, Diminished sap and no criminal points and much more to go Below the Cplea and potentially go home. I never Received them plus under the prison reform Bill I qualify for all. It never said anything about variance of a Cplea. But Judges can use the safety valve at their Discretion for more types of cases.

The Gov Lied: They fabricated a story why I shouldn't have bond, they lied and stated I violated my Bond in the state and I have no community ties. My Bail Bonds man Debbie Carol of Noristown will say I followed all orders from her. My last Name is well known and Respected. The Gov put Dishonor in my family name. I have done lots of community projects with in the area. I donated funds to Organisations such as St Jude's hospital for kids, Veteran affairs and much more. My father William Reese was part of the lions club before he was killed by a famous serial killer known as Andrew Phillip Cunan some guy that killed Versace.

The Gov Failed to take info which <sup>could</sup> give me a SKI: The gov ignored my Information. I gave on possible Low Sleeper cells in the Philly Area, Possible threats against the Philly Region & Websites that contain child porn. Reason why I got another lawyer I gave Info on another client who has history of this crime his name is Matthew Flynn but yet the lawyer-prosecutor going to let him out for like the 3rd time which this is my 1st he's manipulating The system. I gave the prosecutor everything I know but failed denied to take it into consideration.

Just a few thoughts: What kind of person or sex offender am I when the police found no evidence of child porn on Xbox / cellphone. No evidence of children coming over to my condo by reviewing my home security system. The Police also searched my vehicle found no traces of kids in my vehicle. I was on Craigslist, 18T and older section. I admit I was under the influence of a Drug (Shrooms) was not in the right mind yet. The Internet needs Regulations in America. Problem with the Internet especially tonight stands you don't know who you're talking to over the net this term is known as catfishing. On the Internet you can be anyone you want to be with age, sex, nationality, height and much more until you meet them in person. My Ad never violated terms of Agreement that the site imposed. If I did the Ads would have been flagged, Deleted and Removed from the site.



Dear Your Honorable Judge

I am Requesting a Rule 59(C) Motion. With Attorney William Brennan Representing me, I am Requesting a Reconsideration for a potential screw up on the Gov side I admit Responsibility. However Doing Research on the law library my offense lvl is not a lvl 27 which is 70-87 months which I took a plea for 72 months. I found out my offense lvl should of been a 24 which is 51-63 months. This offense is a B offense. I have sent you a copy of a case which he was a category 2 criminal Repeat Offender I'm category 1. Your Honor I ask that you Reconsider with all grounds I put forth I admit I was wrong but I want this to Be on Record I suffered enough in prison with all the mental physiall abuse, verbal abuse I went through, Hope and a promise that upon my Release you will hear positive things about me no negative things. Rehabilitation is the Answer not Incarceration. ~~Thank you~~

Hopefully I see some Relief

Best Regards to you and your family  
God Bless  
Proy Reese 76368-066

Case law I printed  
Please look

On December 18, 2007, a federal grand jury returned a one-count indictment charging petitioner Robert Davies ("petitioner") with knowingly traveling in interstate commerce for the purpose of engaging in illicit sexual conduct with another person, as defined in 18 U.S.C. § 2423(f)(1), in violation of 18 U.S.C. § 2423 (b) and (e). (ECF No. 14.) On May 27, 2009, petitioner pleaded guilty to count one of the indictment. On October 16, 2009, petitioner-after spending nineteen months incarcerated-was sentenced to a term of imprisonment of time served and a lifetime term of supervised release, with all conditions of release outlined.

**(3) The sentencing range established by the Sentencing Commission, § 3553(a)(4):** As this {2018 U.S. Dist. LEXIS 19} court recently explained:

Petitioner at the time of sentencing had a total offense level of 25 and a criminal history category of II, which took into account two prior offenses, one of which is the prior conviction that was later vacated. Petitioner's total offense level of 25 and a criminal history category of II resulted in a guideline range for imprisonment of 63 to 78 months. At the time of sentencing, the government filed a motion pursuant to U.S.S.G. § 5K1.1 and the plea agreement. In consideration of that motion, the court sentenced petitioner to a term of imprisonment of time served, which was well below his guideline range of 63 to 78 months, because he had only served nineteen months of imprisonment at the time of sentencing. If the court did not rely upon the prior conviction that was later vacated, and petitioner's criminal history score was a category I instead of a category II, the guideline range for imprisonment based upon an offense level of 25 would have been 57 to 71 months. Petitioner's sentence of time served, i.e., 19 months, was far below even the lower end of that guideline range. (ECF No. 180 at 12.)<sup>4</sup>

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**Motion to Vacate, Set Aside, or Correct a Sentence  
By a Person in Federal Custody**

(Motion Under 28 U.S.C. § 2255)

**Instructions**

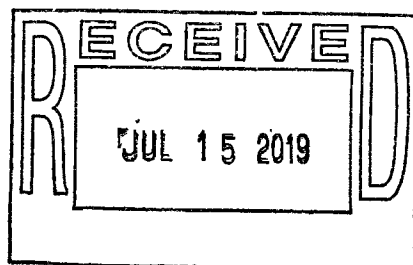
1. To use this form, you must be a person who is serving a sentence under a judgment against you in a federal court. You are asking for relief from the conviction or the sentence. This form is your motion for relief.
2. You must file the form in the United States district court that entered the judgment that you are challenging. If you want to challenge a federal judgment that imposed a sentence to be served in the future, you should file the motion in the federal court that entered that judgment.
3. Make sure the form is typed or neatly written.
4. You must tell the truth and sign the form. If you make a false statement of a material fact, you may be prosecuted for perjury.
5. Answer all the questions. You do not need to cite law. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit any legal arguments, you must submit them in a separate memorandum. Be aware that any such memorandum may be subject to page limits set forth in the local rules of the court where you file this motion.
6. If you cannot pay for the costs of this motion (such as costs for an attorney or transcripts), you may ask to proceed *in forma pauperis* (as a poor person). To do that, you must fill out the last page of this form. Also, you must submit a certificate signed by an officer at the institution where you are confined showing the amount of money that the institution is holding for you.
7. In this motion, you may challenge the judgment entered by only one court. If you want to challenge a judgment entered by a different judge or division (either in the same district or in a different district), you must file a separate motion.
8. When you have completed the form, send the original and \_\_\_\_\_ copies to the Clerk of the United States District Court at this address:

Clerk, United States District Court for  
Address  
City, State Zip Code

If you want a file-stamped copy of the petition, you must enclose an additional copy of the petition and ask the court to file-stamp it and return it to you.

9. **CAUTION:** You must include in this motion all the grounds for relief from the conviction or sentence that you challenge. And you must state the facts that support each ground. If you fail to set forth all the grounds in this motion, you may be barred from presenting additional grounds at a later date.
10. **CAPITAL CASES:** If you are under a sentence of death, you are entitled to the assistance of counsel and should request the appointment of counsel.

PS, William Barr & Sergeant Burn DOJ in Washington DC  
is Reviewing my case and I have a clemency petition on file  
Please Review all facts and grounds I have Raised



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TROY REESE

76368-066

Federal Detention Center Philadelphia

PO BOX 562

Philadelphia PA 19106

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U.S. MAR  
1-14-19